Supreme Court, U.S.
FILED
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No.

In The

Supreme Court of the United States

October Term, 1999

ROCKLAND R. SNYDER,

Petitioner,

vs.

FRANK O'BANNON, GOVERNOR AND CHIEF EXECUTIVE OF THE STATE OF INDIANA,

Respondent.

Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

ROCKLAND R. SNYDER, *Pro Se*
for Petitioner
Rockland R. Snyder
1454 Laurel Street
Indianapolis, Indiana 46203

30 pp

Questions Presented for Review

(1) Is the right to property ownership an inviolate right protected by the 14th Amendment to the Constitution of the United States; or, is it merely a government benefit that has no such constitutional protection?

(2) Is an american citizen protected in the practice of two or more rights at the same time; or, can an american citizen be forced, for the sake of the common good, to give up one right in order to practice another right; thus destroying the character of both rights?

(3) Does the United States government possess the right to grant to the officials of the States of this Union the right to violate the law, when those State's officials are in pursuit of federal public policy?

(4) Do the United States district courts and the United States appellate courts possess the right to ignore the mandatory provisions of the Federal Rules of Evidence?

(5) Should the Supreme Court of the United States declare, as a matter of law, that licensure is materially different from federal programs that dispense direct monetary payments?

PARTIES TO THE PROCEEDING

Petitioner, Rockland R. Snyder is a natural person.

Respondent, Frank O'Bannon, Governor and Chief Executive of the State of Indiana

TABLE OF CONTENTS

Page

Questions Presented i
Parties to the Proceeding ii
Table of Contents iii
Table of Citations iv
Opinions Below 1
Statement of Jurisdiction 2
Statutory Provisions Involved 3
Constitutional Provisions Involved 3
Statement of the Case 3
Argument 6
Reasons for granting a Writ of Certiorari 12
Conclusion 14

Appendix A - Seventh Circuit Court of Appeals order Denying Petition for Rehearing on August 30, 1999 . . . . . 1a

Appendix B - Seventh Circuit Court of Appeals affirming the ruling made by the United States District Court for the Southern District of Indiana, Indianapolis Division regarding this action; decided and filed on August 2, 1999 . . . . . 2a

Appendix C - Entry and ruling made by the United States District Court for the Southern District of Indiana, Indianapolis Division regarding this action, affirming defendant's Motion for Summary Judgement and denying plaintiff's Motion for Summary Judgement decided and entered on December 18, 1998 . . . . . 3a

TABLE OF CITATIONS

(1) Edelman vs. Jordan, 415 U.S. 651 (1974)
references found on page(s) 7

(2) Ex Parte Young, 209 U.S. 123 (1908)
references found on page(s) 7

(3) Federal Rules of Evidence, Rule 201
references found on page(s) . . . . . i, 6, 10, 11, 14

(4) Book of 2 Thessalonians, Chapter 2, Holy Bible
references found on page(s) 8

(5) Book of Revelation, Chapters 13, 14, and 20
references found on page(s) 3, 4, 8

(6) Indiana Code 4-1-8-1(a), (b), (c), (d), and (e)
references found on page(s). 2, 3, 7, 8, 9, 10, 13

(7) Federal Statute - 42 U.S.C. Section 405(c)(2)(i) and (ii)
references found on page(s). 2, 3, 5, 7, 10, 11, 13

(8) Article 1, Sections 3, 23, or 25, Indiana Constitution
references found on page(s) 2, 3, 5, 6, 8, 9, 10, 11, 12, 13

(9) 1st Amendment to the Constitution of the United States
references found on page(s). 2, 3, 5, 8, 9, 12, 13

(10) 11th Amendment to the Constitution of the United States
references found on page(s). 1, 3, 6, 7, 11

(11) 14th Amendment to the Constitution of the United States
references found on page(s). . . . 2, 3, 5, 6, 7, 8, 9, 12, 13

(12) Pennhurst State School and Hospital vs. Halderman,
465 U.S. 89, 104 S.Ct. 900 (1984)
references found on page(s). 1, 2, 6, 11

Petitioner, Rockland R. Snyder, respectfully prays that a Writ of Certiorari issue from this Honorable Court to review the judgement of the United States Court of Appeals for the Seventh Circuit entered on August 2, 1999.

OPINIONS BELOW

This case was handled through the motions of both the plaintiff and the defendant along with the various orders of both the district and appellate courts. Even though that I, Rockland R. Snyder, the plaintiff in this action, (D.C. No. 97-881-C-D/F; Appeal No. 99-1098), requested from both courts the opportunity to give oral argument; none was granted in either court.

I originally filed this action against the State of Indiana. In the course of prosecuting this action, I acquired a clearer understanding of the 11th Amendment to the Constitution of the United States and the legal doctrine of sovereign immunity. I ultimately filed a Motion to Amend my Original Complaint deleting the State of Indiana as party defendant and inserting in its place Frank O'Bannon, Governor and Chief Executive of the State of Indiana. This amendment was accepted by the State and approved by the district court. At that point, this action assumed the form it now possesses.

The United States District Court for the Southern District of Indiana, Indianapolis Division, while ignoring my contention for my right of property ownership, made a ruling for the defendant on December 18, 1998. This opinion dealt with the issues of vehicle registration and the fact that Indiana was sovereign in regulating vehicle registrations. This opinion also maintained that the Pennhurst decision (Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 104 S.Ct. 900), forbade the federal courts from making state officials obey state law and that this action fell entirely within the Pennhurst decision.

I timely filed my appeal with the United States Court of Appeals for the Seventh Circuit on January 13, 1999. I timely filed my Brief of Appellant with the Seventh Circuit on February 17, 1999. I timely served the required two copies of the Brief of Appellant upon the Deputy Attorney General on February 12, 1999.

Deputy Attorney General, J.T. Whitehead, defendant's counsel, maintained in the Brief of Appellee, that he filed with the Seventh Circuit Court of Appeals, that Indiana Code 4-1-8-1 (a), (b), (c), (d), and (e) was a law of general applicability and therefore not discriminatory. Consequently, he argued that my 1st and 14th Amendment rights were not being violated. Attorney Whitehead further maintained that my attack on the aforementioned statute, based on Article 1, Section 25 of the Indiana Constitution and its inter-relationship with Federal statute 42 U.S.C Section 405(c) (2) (i) and (ii), was a state law claim and as such the judicial outcome was to be determined on the basis of the United States Supreme Court decision in Pennhurst. The Seventh Circuit agreed with Attorney Whitehead and ruled in favor of the defendant, Frank O'Bannon on August 2, 1999. I filed a Motion for Rehearing on August 23, 1999. The Seventh Circuit Court of Appeals stated that my Motion for Rehearing was untimely, but, at its own option, elected to review the motion. The Seventh Circuit concluded that my motion had no merit and denied the motion on August 30, 1999. Neither at the district nor appellate court levels, was this case reported.

STATEMENT OF JURISDICTION

Petitioner seeks review of the judgement of the Court of Appeals for the Seventh Circuit, which was dated and entered on August 2, 1999. A petition for rehearing, filed by petitioner, Rockland R. Snyder, was denied by an order filed on August 30, 1999.

This Petition for Writ of Certiorari was filed within ninety days of the August 30, 1999 order denying Rockland R. Snyder petition for rehearing.

This Court's jurisdiction is invoked under 28 U.S.C. Sec. 1254 (1). The district court had jurisdiction in this case under 42 U.S.C. Sec. 1983.

STATUTORY PROVISION INVOLVED

This case involves Indiana Code 4-1-8-1(a), (b), (c), (d), and (e), and its inter-relationship with federal statute 42 U.S.C. Sec. 405(c) (2) (i) and (ii).

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves Article 1, Sections 3, 23, and 25 of the Indiana Constitution along with the 1st and 14th Amendments to the Constitution of the United States. This action also involves the proper application of the 11th Amendment to the Constitution of the United States.

STATEMENT OF THE CASE

This is an action brought by Rockland R. Snyder, a natural person, to have Indiana Code 4-1-8-1(a), (b), (c), (d), and (e) declared unconstitutional and void, and to forbid all Indiana officials, from the Governor on down, from enforcing said unconstitutional statute. This particular statute, among other things, allegedly allows officials of the State of Indiana the right to require social security numbers when a person either titles or registers a car in his/her own name. From 1990 on, I, Rockland R. Snyder, objected to this requirement on religious grounds. I pointed out to the Indiana Bureau of Motor Vehicles that the Book of Revelation, (a Book in the Holy Bible), Chapters 13,

14 and 20 said that the time would come when no one would be able to buy or sell unless he has the Mark of the Beast or the number of his name on the right hand or forehead. While we are not quite there yet, the fact that state officials can refuse to recognize a sale of personal property between two individuals, refusing to accept the sales tax on the sale, unless the buyer supplies to the State a social security number, is the exact principle of the future Mark of the Beast! One is unable to buy or sell without the number.

I pointed this out to the Indiana Bureau of Motor Vehicles. I, thereby insisted on my right to purchase and plate a car, in my name without submitting a social security number. I pointed out my religious objections and demanded that the Bureau of Motor Vehicles recognize my right to practice my faith in this regard. Gilbert Holmes, who was the Commissioner of the Bureau of Motor Vehicles at that time, pointed out that I had the right to withhold the social security number, but that the Bureau of Motor Vehicles would refuse to issue a title or registration for a car unless I gave them the number. This, in principle, is tantamount to the Roman Government granting christians the right to fully practice their faith in the arena while facing the lions! It became obvious that state officials were not going to recognize my rights.

I later discovered that I could actually go to court and bring my grievances and complaint there.

I filed my action in United States District Court for the Southern District of Indiana, Indianapolis Division in May of 1997, pointing out that the officials of the State of Indiana, acting in the name of the State, denied to me the right to acquire and own and possess property without due process. I also pointed out that officials of the State of Indiana, acting in the name of the State, denied to me the equal protection of the laws pursuant to Article

1, Sections 3 and 23 of the Indiana Constitution. Both of these actions were each a violation of the due process and equal protection clauses of the 14th Amendment of the Constitution of the United States. I further pointed out that Article 1, Section 25 of the Indiana Constitution was violated when the Indiana General Assembly accessed federal authority granted to the states by 42 U.S.C. Sec. 405(c) (2) (i) and (ii). All three of these violations were committed by officials of the State of Indiana, acting in the name of the State, in this one act. These legal facts made this a federal case.

Both defendant's counsel and the district court completely ignored my contentions regarding my being denied the right to own property (a specifically guaranteed right expressed in the 14th Amendment). The defendant's counsel maintained and the district court agreed that a law of general applicability does not violate the 1st and 14th Amendments. The defendant's counsel further maintained and the district court agreed that my action was a state law claim and that the federal courts could not consider such a claim due to lack of jurisdiction.

Thus, the district court, by ignoring one contention on one issue, and agreeing with the defendant on the other two issues made a ruling against me and for the defendant on December 18, 1998.

I timely filed by appeal with the Seventh Circuit Court of Appeals on January 13, 1999. In my Brief of Appellant, I made the same arguments pointing out that this action was a federal case worthy of reversal. The Seventh Circuit Court of Appeals in its ruling, mentioned that I contended that I was being denied the right to property without due process. But after the court mentioned it, the court never ruled on this timely raised issue. Furthermore, even though I requested of the district court that Judicial notice be given, acknowledging that Article 1, Section 25 of the Indiana Constitution is not repugnant to the

Constitution of The United States; that request was entirely ignored. This fact was brought to the attention of the Seventh Circuit in my Brief of Appellant. I repeated my request in my Brief of Appellant to the Seventh Circuit. That request also went ignored! This was done in spite of the fact, that when one of the litigants to an action requests Judicial notice, compliance with that request is mandatory according to the Federal Rules of Evidence.

I pointed out to the appeals court in my Reply Brief, that if the Federal Rules of Evidence were honored and Judicial Notice were given, that would be an official recognition as to the true state of the law as it exists in the State of Indiana, by the federal judiciary. I make the same request here. I request of this Court that Judicial Notice be taken recognizing that Article 1, Section 25 of the Indiana Constitution is not repugnant to the Constitution of the United States.

With the ruling by the Seventh Circuit Court of Appeals against me and for the defendant, this case is now brought to this Honorable Court for resolution.

ARGUMENT

The principles of law involved in this case amount to a legal tug-of-war between the 11th and 14th Amendments to the Constitution of the United States. Each side to this controversy is relying on United States Supreme Court decisions that appear to be in its own favor.

The defendant is relying on the Pennhurst decision, (Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 104 S.Ct. 900, 79 L. Ed. 2d 67[1984]) in conjuncture with the 11th Amendment to the Constitution of the United States. The defendant is also relying on the legal doctrine that vehicle registrations

and how they are administered are within State authority and that laws of general applicability do not affect the 1st and 14th Amendments to the Constitution of the United States.

I, Rockland R. Snyder, the petitioner/plaintiff in this action, am relying on the United States Supreme Court decisions in Ex Parte Young, 209 U.S. 123 (1908) and Edelman v. Jordan, 415 U.S. 651 (1974). In Ex Parte Young, the one exception against the general bar against suits against state officials is the recognition and enforcement of the Constitution of the United States as the Supreme Law of the Land. Therefore, any state statute that is in violation of the Constitution of the United States is unconstitutional and void. The Supremacy of the Constitution of the United States must be maintained. In Edelman v. Jordan, it was pointed out that while damages were not permitted, prospective injunctive relief imposed by the federal courts upon state officials, when their statutes and actions violated federally protected rights, was permitted without offending the 11th Amendment in the process. This action, brought by me, is wholly within the above exception.

There are three pillars to my argument. They are:

(1) The right to acquire and own property is a specifically mentioned right guaranteed by the 14th Amendment to the Constitution of the United States. A denial of this right can only occur with due process. Due process involves having been duly convicted of a crime where a fine is imposed as punishment. This has never happened to me. Officials of the State of Indiana through the enactment and enforcement of Indiana Code 4-1-8-1 (a), (b), (c), (d), and (e) will not so much as allow me to acquire and own an automobile (i.e. property) in my name, unless I provide to the Indiana Bureau of Motor Vehicles a social security number. I refuse to provide this number, because based on the legal, societal, and economic trend of things, the social security

number is increasingly taking on the characteristics of the future Mark of the Beast as spelled out in the Book of Revelation, Chapter 13, verses 15-18. The Bible further points out in 2 Thessalonians, Chapter 2, verses 6 and 7, that it is the duty of the christian to oppose and possibly stop the advance toward the Mark of the Beast. I insisted to the Indiana Bureau of Motor Vehicles, the defendant Governor Frank O'Bannon, the United States District Court, and the Seventh Circuit Court of Appeals, that I have the right to practice both Rights (1st and 14th Amendments), at the same time without being discriminated against. The Bureau of Motor Vehicles, the defendant's counsel, and the United States District Court entirely ignored my contention for my right to property. Even though I have consistently raised this issue with the same. The Seventh Circuit Court of Appeals mentioned that I contended that my right to property was being denied without due process. But made no ruling on the matter. This issue has still not been ruled on. It is to be understood that the right to property possession and ownership is an important right entirely separate and distinct from the right of registration of said property. I point out that I have the right to practice both (1st Amendment - religious liberty) and (14th Amendment - right to property) rights at the same time without being discriminated against by state officials. But under the current state statute, (Indiana Code 4-1-8-1 (a), (b), (c), (d), and (e)), I must be willing to forgo one right (1st Amendment) in order to practice another right (14th Amendment); thus destroying the character of both rights. This is not right. This Honorable Court must correct this situation.

(2) My second argument is this. While licenses and permits are treated as "privileges and immunities" in Article 1, Section 23 of the Indiana Constitution; the Constitution of Indiana, the highest expression of the Sovereign's (Indiana's) will, demands that when privileges and immunities (i.e. licenses and permits) are applied for, they must be issued on the same and equal terms

with everyone else who applies for them. The officials of the State of Indiana are not allowed to discriminate between individual or groups of people when issuing licenses and permits, Article 1, Section 23 of the Indiana Constitution is fully consistent with the 14th Amendment to the Constitution of the United States. Article 1, Section 23 of the Indiana Constitution and the 14th Amendment to the Constitution of the United States are in complete agreement.

Now, Article 1, Section 3 of the Indiana Constitution specifically guarantees the right of one to practice his religious faith without being discriminated against by state officials, acting in the name of the State. Article 1, Section 3 of the Indiana Constitution and the 1st Amendment to the Constitution of the United States are fully consistent with each other and in complete agreement. My position is this. I have the right to practice both rights at the same time without being discriminated against by any government official. But, when officials of the State of Indiana, acting in the name of the State, through the enforcement of an illegally passed statute, demand that I be willing to forgo the practice of one right (1st Amendment and Article 1, Section 3) in order to exercise another right (14th Amendment and Article 1, Section 23), the character of both rights are destroyed. On the one hand, state officials in principle, though not yet in degree, are saying that I have the fully protected right to practice my christian faith while facing the lions in the arena. And on the other hand, licenses and permits are issued within the context of government policy, without regard to the state and federal constitutions. Thus the american people have no rights except those that do not interfere with government policy. This is a terrible conclusion to arrive at. This conflict must be resolved by this Honorable Court. The supremacy of the Constitution of the United States (including also the rights guaranteed by that document), must be maintained. Subsequently, Indiana Code 4-1-8-1(a), (b), (c), (d), and (e) must be found

unconstitutional and void.

(3) My third argument is this. The United States Government has a legal position to protect and maintain. The United States Government simply cannot allow itself to be placed into the position of actually granting state officials the right to violate the law. But this is exactly what did happen and is happening when state officials, through exercising the authority granted to the states, by federal statute 42 U.S.C. Section 405(c),(2)(i) and (ii), to utilize social security numbers for other than social security purposes, by passing Indiana Code 4-1-8-1(a), (b), (c), (d), and (e).

Article 1, Section 25 of the Indiana Constitution specifically forbids the Indiana General Assembly from passing any state statute, where the authority to pass that statute comes from any place other than the Indiana Constitution. Title 42 U.S.C. Section 405(c), (2) (i) and (ii) is the authority that the Indiana General Assembly relied upon to pass Indiana Code 4-1-8-1(a), (b), (c), (d), and (e). So, on its face, the Indiana Statute was illegally passed relying upon an illegitimate authority. In this regard, I, Rockland R. Snyder requested, pursuant to the Federal Rules of Evidence 201(b) and (d), that Judicial notice be taken of the fact that Article 1, Section 25 of the Indiana Constitution is not repugnant to the Constitution of the United States. Such a recognition would be the federal judiciary's acknowledgment of the true state of the law as it exists within Indiana. I requested this of both the district and appellate courts. I was ignored both times. This, in spite of the fact that when judicial notice is requested by one of the litigants to an action, compliance with that request is mandatory! So now we have a situation where both and individually, a federal district judge and the Seventh Circuit Court of Appeals have ignored and therefore violated a mandatory provision in the Federal Rules of Evidence!

In any state/federal legal combination, there is a "state" side and there is a "federal" side. While at first, it may appear that this is a state law claim and thus outside the jurisdiction of the federal courts; this is not the case. If this issue was approached from the "federal" side, it would be seen that the Pennhurst decision does not apply. And also it would be seen, that the sovereign immunity of the State of Indiana, which is protected by the 11th Amendment to the Constitution of the United States, is not being offended or compromised.

The "federal" side is this. The United States Government has a legal position to protect. It goes something like this. If I were to provide a tool to an individual, that I knew up front, that he was intending to use that tool in the commission of a crime, I myself would have become a criminal. This would be true, even though I would not have been present at the crime. This is known as being an accessory before the fact. This is a crime in itself. This type of thing is exactly what is happening in this case. While, for the sake of argument, we can assume that Congress passed the statute 42 U.S.C. Sec. 405 (c) (2) (i) and (ii) with the ill-advised though best of intentions; the prosecuting of this action has highlighted certain facts that require that the United States Government, in the legitimate interest of protecting its own legal position, change its actions relative to officials of the State of Indiana. This is especially true relative to the taking of Judicial Notice with regards to Article 1, Section 25 of the Indiana Constitution. The United States Government simply cannot allow itself to be in the position of granting state officials the right to violate the law. This issue was timely raised in the United States District Court. This issue and its approach was also timely raised in the United States District Court. This issue and its approach was entirely ignored by both the defendant's counsel and the district court. I pointed all of this out to the Seventh Circuit Court of Appeals in my Brief of Appellant. The Seventh Circuit, in its ruling, entirely ignored the issue. While

this issue affects the same Indiana statute from a different angle, we have a potentially dangerous legal situation here. The States simply cannot be expected to respect the rights of the people on the one hand, when granted permission to violate the law by the United States Government on the other. This Honorable Court must deal with issue.

REASONS FOR GRANTING A WRIT OF CERTIORARI

The reasons for this Court to grant a Writ of Certiorari are these:

(1) Officials of the State of Indiana, from Governor Frank O'Bannon on down, have denied to me the right to acquire and own property (an automobile) without due process. The right to own property is a specifically mentioned right in the 14th Amendment to the Constitution of the United States. This action, by state officials, is being done simply because I insist upon practicing a sincerely held tenet of my religious faith. This amounts to discrimination against me in the practice of my 1st Amendment rights. It appears that state officials are saying or implying that I must give up or forgo one constitutionally protected right (1st Amendment), in order to practice another constitutionally protected right (14th Amendment). This is legally absurd!! I have the right to practice both rights at the same time! This Honorable Court must enforce this. The right to property ownership is an important right entirely separate from the right of property registration.

(2) On the issue of vehicle registrations, Article 1, Sections 3 and 23 of the Indiana Constitution are to be considered here. Article 1, Section 3 guarantees the right to practice one's religious faith without being discriminated against by the State of Indiana. Article 1, Section 3 is fully consistent with the 1st Amendment to the Constitution of the United States. Article 1, Section 23 guarantees that a citizen may obtain any license or

permit offered by the State on the same terms with all other citizens without being discriminated against by the State of Indiana. Article 1, Section 23 is fully consistent with the 14th Amendment to the Constitution of the United States.

Regarding this issue, officials of the State of Indiana, based on the State's right to regulate licenses and permits, flatly maintain that the practice of my religious beliefs must take a back seat, and that I must be willing to forgo one right (Article 1, Section 3 and the 1st Amendment) in order to practice another right (Article 1, Section 23 and the 14th Amendment). This is legally absurd!! I have the right to practice both rights at the same time! Actions by state officials in this area are violations of the equal protection clause of the 14th Amendment. This Honorable Court must deal with these issues and come down on the side of the people and not the government.

(3) While this third point approaches the offending Indiana statute (Indiana Code 4-1-8-1(a), (b), (c), (d), and (e)) from a different perspective; the issue involved is no less important. The federal issue is this. The United States Government has a legal position to protect. Article 1, Section 25 of the Indiana Constitution specifically bars state officials from passing any law, where the authority to pass that law comes from any place other than the Indiana Constitution. The Indiana General Assembly utilized federal statute 42 U.S.C. Section 405(c), (2) (i) and (ii) as its authority to pass Indiana Code 4-1-8-1(a), (b), (c), (d), and (e). This is a blatantly unconstitutional statute on its face. The fact that a federal statute is involved makes this a federal issue. The United States Government, unless this Honorable Court should order that the United States Government withhold the authority grant from Indiana officials, that otherwise would be available to them, would actually be placed into the position of granting state officials the right to violate the law, when those officials are in pursuit of federal public policy. This would not

only elevate public policy above the status of law; this would make the United States Government an accessory before the fact. This in itself is a crime. This is a terrible legal position to be in. State officials simply cannot be expected to respect the rights of citizens on the one hand, while being granted the right, by the United States Government, to violate the law on the other. This Honorable Court must correct this legal situation.

(4) This fourth point deals with a legal irregularity that possesses large ramifications. The Federal Rules of Evidence must be respected by the courts of this Union. The taking of Judicial Notice was requested twice by me, once each in the district and appellate courts. My requests were ignored both times. This is a flagrant violation of the Federal Rules of Evidence, Rule 201(a), (b), (d), and (f). When the federal courts engage in ignoring mandatory provisions in the Federal Rules of Evidence, no one is safe in the courts. Justice becomes a legal crapshoot. This Honorable Court must address and correct this situation.

CONCLUSION

Given all of the aforementioned reasons, including even the flagrant violation of a mandatory provision in the Federal Rules of Evidence by both the district and appellate courts; I respectfully pray that this Honorable Court grant a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

Rockland R. Snyder, Pro Se

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No Phone

APPENDIX A

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

August 30, 1999

Before
Hon. RICHARD A. POSNER, Chief Judge
Hon. JOEL M. FLAUM, Circuit Judge
Hon. ILANA DIAMOND ROVNER, Circuit Judge
No. 99-1098

ROCKLAND R. SNYDER, Plaintiff-Appellant	) Appeal from the United States) District Court for the Southern) District of Indiana, Indianapolis
v.	) Division) IP No. 97-881-C-D/F
FRANK O'BANNON, Governor and Chief Executive of the State of Indiana, Defendant-Appellee	))))) S. Hugh Dillin, Judge.

ORDER

Rockland R. Snyder filed a motion for rehearing asking this panel to reconsider its August 2, 1999 order. The motion was received by this court on August 23, 1999, rendering it untimely. See Fed. R. App. P. 40; Cir. R. 40. We have nonetheless reviewed the motion and conclude that it has no merit. Motion DENIED.

APPENDIX B

UNPUBLISHED ORDER

Not to be cited per Circuit Rule 53

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted July 29, 1999*
Decided August 2, 1999

Before
Hon. RICHARD A. POSNER, Chief Judge
Hon. JOEL M. FLAUM, Circuit Judge
Hon. ILANA DIAMOND ROVNER, Circuit Judge

No. 99-1098

ROCKLAND R. SNYDER, Plaintiff-Appellant	) Appeal from the United States) District Court for the Southern) District of Indiana, Indianapolis
v.	) Division) IP No. 97-881-C-D/F
FRANK O'BANNON, Governor and Chief Executive of the State of Indiana, Defendant-Appellee	))))) S. Hugh Dillin, Judge.

ORDER

Rockland R. Snyder seeks to have IN ST 4-1-8-1(b)(2) declared unconstitutional and its enforcement by Indiana

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*After an examination of the briefs and the record, we have concluded that oral argument is unnecessary; the appeal is submitted on the briefs and the record. See Fed. R. App. P. 34(a)(2).

officials[1] enjoined. The statute authorizes the Indiana Bureau of Motor Vehicles (BMV) to require a Social Security Number to register or renew vehicle registration. Snyder protests that this requirement infringes upon his religious beliefs, which demand that he limit the use of numbers in his life and that he guard against the Social Security Number becoming the "mark of the beast"; he thereby states a First Amendment claim. Snyder also argues that the statute violates his Fourteenth Amendment rights to equal protection and to not be deprived of his "right to own property" without due process. In addition, Snyder argues that the statute violates his rights under Article 1, §§ 3, 23 and 25 of the Indiana Constitution. He also contends that Indiana may not exercise the authority granted to it by 42 U.S.C. § 405, which authorizes states to use Social Security Numbers for vehicle registration purposes, because to do so would violate the Indiana Constitution. The district court construed Snyder's case as an action brought under 42 U.S.C. § 1983 and granted summary judgment in favor of Governor O'Bannon. We affirm.

The district court correctly rejected Snyder's federal constitutional claims; we will treat these claims together since Snyder's arguments that he was denied due process, equal protection and freedom to practice his religion are essentially the same claim-that Snyder is being discriminated against because of his religious beliefs. Although Snyder argues that the statute discriminates against him because it demands that he violate a religious tenet in order to register or renew the registration on his car, the statute in fact is facially neutral and applies to everyone who seeks to register a car or renew its registration in Indiana. See Bowen v. Roy, 476 U.S. 693, 708 (1986). Snyder has offered no evidence to show that the law was enacted to target those who

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[1] Snyder names only Governor Frank O'Bannon as a defendant, but refers generically to "state officials" throughout his complaint.

share the religious belief that the Social Security Number is the mark of the beast. Cf. Church of the Lukumi Babalu Ave. Inc. v. City of Hialeah, 508 U.S. 520, 535-38 (1993) (laws prohibiting ritual animal sacrifice impermissibly targeted religious practice). In addition, the United States Supreme Court has held that laws requiring the use of Social Security Numbers by applicants for government benefits promote legitimate and important public interests, such as identifying applicants easily and preventing fraud. See Bowen, 476 U.S. at 709-11. Governor O'Bannon has articulated similar reasons for the BMV's Social Security Number requirement in this case. Accordingly, although Snyder's beliefs may be burdened by the Social Security number requirement, the burden is not an unconstitutional one but rather promotes the common good. Id. at 702.

The district court also correctly found that the Eleventh Amendment bars Snyder from bringing state law challenges to the acts of state officials in federal court. See Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89 (1984); Mitchell v. Clayton, 995 F.2d 772, 775 (7th Cir. 1993). The Constitution does not require states to follow their own laws. See Carson v. Block, 790 F.2d 562, 565-66 (7th Cir. 1986).

AFFIRMED.

APPENDIX C

United States District Court
Southern District of Indiana
Indianapolis Division

ROCKLAND R. SNYDER, Plaintiff-Appellant	)	
v.	)	No. IP 97-881-C-D/F
FRANK O'BANNON, Governor and Chief Executive of the State of Indiana, Defendant-Appellee	)	

ENTRY

The plaintiff's motion for enlargement of time, filed on November 24, 1998, is granted. The effect of this is to render his response to the defendant's cross-motion for summary judgment timely.

For the reasons explained in this Entry, the plaintiff's motion for summary judgment must be denied, and the defendant's cross-motion for summary judgment must be granted.

Background

The Indiana Department of Motor Vehicles ("BMV") requires an applicant for a vehicle registration or a registration renewal to supply the applicant's Social Security number. Plaintiff

Snyder resides in Indianapolis, Indiana. Snyder refused to supply his Social Security number to the BMV in conjunction with his application for a vehicle registration. His reason for this refusal is rooted in his belief that the use of Social Security numbers is nearly ubiquitous and that if that trend continues the Social Security number will become the future mark of the Beast, which is an allusion to a religious scenario.[1] Snyder has brought this lawsuit to reverse this trend through judicial vindication of his theorem that he has the right from God to use any number (for any purpose, apparently) and, contrarily, to refrain from compelled use of his Social Security number. Snyder seeks to have a particular Indiana statute, Ind. Code 4-1-8-1, declared unconstitutional.

As noted, both Snyder and the defendant, the Governor of Indiana, seek resolution of Snyder's claim through the entry of

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[1] Snyder explains on pages 5-6 of his complaint:

> It is a tenet of my Biblical faith to limit the use of all numbers that come into my life. This is especially true of the social security number. The Bible specifically teaches in the Book of Revelation, Chapters 12, 13, and 20, that there will come a time when no one will be able to buy or sell unless he has the name of the Beast, his mark, or his number on the right hand or forehead. Those who refuse to participate in the coming police state economic system will starve to death, be thrown out in the cold, and some will be beheaded...[T]he requirement of social security numbers for [the State's customary considerations when determining whether to issue license plates and registrations] has nothing to do with public safety. It is becoming more and more apparent, that the requirement of social security numbers for these things is nothing less than the establishment of the mechanics of an emerging national police state! Yes, an international police state as predicted in the Book of Revelation. I am in adamant, total opposition to this type of thing on strict Biblical convictions and principle.

summary judgment. The Supreme Court has explained that the purpose of Rule 56 is to "enable a party who believes there is no genuine dispute as to a specific fact essential to the other side's case to demand at least one sworn averment of that fact before the lengthy process of litigation continues." *Lujan v. National Wildlife Federation*, 497 U.S. 871, 888 (1990). Summary judgment is proper in a case "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." *Fed. R. Civ. P.* 56(c). Where summary judgment is proper, it is also required. "Summary judgment is appropriate--in fact, is mandated--where there are no disputed issues of material fact and the movant must prevail as a matter of law." *Dempsey v. Atchison, Topeka and Santa Fe Ry. Co.*, 16 F.3d 832, 836 (7th Cir. 1994).

Discussion

Snyder's claim is cogently stated, but quite misplaced even in the face of ubiquitous 42 U.S.C. § 1983. He recognizes that Congress has permitted the States,

> in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Secretary for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State ... or any agency thereof having administrative responsibility for the law involved, the social security account number ... issued to him by the Secretary.

42 U.S.C. § 405(c)(2)(C)(i). He also recognizes that through the

passage of Ind. Code § 4-1-8-1 the BMW may require the following:

> (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17
>
> (2) That an individual include the individual's Social Security number on an application for registration.

What Snyder argues, however, is that Ind. Code § 4-1-8-1 did not derive from any authority conferred by the *Indiana* Constitution, and that Indiana may only legislate based on such authority. He also argues that Ind. Code § 4-1-8-1 is repugnant to a provision in the Indiana Constitution which guarantees that no state law shall "control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience."

In *Pennhurst State School and Hospital v. Halderman*, 465 U.S. 89, 104 S. Ct. 900 (1984), the Court held it would violate the Eleventh Amendment for a federal court to entertain, without the State's consent, "a claim that state officials violated state law in carrying out their official responsibilities." *Id.*, at 121, 104 S. Ct. at 919.

Even assuming for the sake of argument that Snyder has alleged a viable claim under Indiana law (a claim that Ind. Code § 4-1-8-1 is unconstitutional under Indiana law), Snyder is not entitled to litigate that claim in federal court. "[T]o treat a violation of state law as a violation of the Constitution is to make the federal government the enforcer of state law," which would eviscerate *Pennhurst*. *Archie v. City of Racine*, 847 F.2d 1211, 1217 (7th Cir. 1988), *cert. denied*, 489 U.S. 1065 (1989). "State rather than federal courts are the appropriate institutions to enforce state rules." *Id.*

Snyder does attempt to put a federal tinge on his claims by invoking the due process and equal protection clauses of the Fourteenth Amendment. This effort, however, must fail. Congress has given the several states the authority which Ind. Code § 4-1-8-1 passes on to the BMV. As a general proposition, a law (or policy) that is neutral and of general applicability need not be justified by a compelling governmental interest even if that law incidentally burdens a particular religious practice or belief. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531, 113 S. Ct. 2217, 2225-26 (1993). On its face, the law enacted by the State of Indiana, codified at Ind. Code § 4-1-8-1, and the corresponding policy of the BMV requiring Social Security numbers for the registration and registration renewal of vehicles are neutral and of general application. The court therefore finds neither a basis for a due process claim nor a claim of the denial of equal protection of the laws.

Conclusion

A district court's task in considering an action in which summary judgment is sought is clear:

> At bottom, the district court must determine whether the party opposing the motion for summary judgment has presented genuinely disputed facts which remain to be tried. If not, the district court may resolve the legal questions between the parties as a matter of law and enter judgment accordingly.

Thompson Everett, Inc. v. National Cable Advertising, L.P. 57 F.3d 1317, 1323 (4th Cir. 1995).

"The purpose of § 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails." *Wyatt v. Cole*, 112 S. Ct. 1827, 1830 (1992).

Snyder has failed to come forward with a disputed question of material fact as to whether any such abuse occurred in this case. He has equally failed to establish his own entitlement to judgment as a matter of law. Accordingly, Snyder's motion for summary judgment is denied, and the defendant's cross-motion for summary judgment is granted. Judgment Consistent with this Entry shall now issue.

IT IS SO ORDERED.

"/s S. Hugh Dillin"
S. HUGH DILLIN, Judge
United States District Court

Date: December 18, 1998

United States District Court
Southern District of Indiana
Indianapolis Division

ROCKLAND R. SNYDER,	)	
Plaintiff	)	
	)	
vs.	)	No IP 97-881-C-D/F
	)	
FRANK O'BANNON, Governor and Chief Executive of the State of Indiana,	)	
Defendant	)	

JUDGMENT

The court, having this day made its Entry,

IT IS THEREFORE ADJUDGED That judgment is entered for the defendant and against the plaintiff, and that this cause of action is DISMISSED WITH PREJUDICE.

"/s S. Hugh Dillin"
S. HUGH DILLIN, Judge
United States District Court

Date: December 18,1998

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